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From: Brandon Green 56400054, Defendant Pro Se

MDC Brooklyn, Brooklyn, NY 11232

Date: 9/13/2021

Case: 1:16-cr-00281

USDC SDNY
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NOTICE OF APPEAL

Defendant Brandon Green is hereby appealing the September 8, 2021 district court judge Paul G. Gardephe's decision, dismissing the defendant's rule 35(a), (Dkt. 1077); dismissing the motion based on Fed. R. App. P. 4(b)(5); which states that the filing of a notice of appeal doesn't divest district court **jurisdiction to correct sentence under Fed. R. Crim. P. 35(a).**

The court erred in its decision because it does not have the authority to decide the motion pursuant to the above.

Defendant Brandon Green is appealing this decision, (Dkt. 1077, the court's 9/8/2021 decision in **above mentioned case) to the United States Second Circuit Court of Appeals.**

Respectfully Submitted,

Brandon Green, 56400054

MDC Brooklyn

PO Box 329002

Brooklyn, NY 11232

Certificate of Service

I, defendant Brandon Green, served AUSA Jessica Feinstein at 1 St. Andrews Plaza in New York, NY 10007 and Judge Paul G. Gardephe at 40 Foley Square New York, NY 10007 on September 14, 2021 via USA mail on my notice of intent to appeal the court's decision given on September 8, 2021, Dkt. 1077.

Respectfully Submitted,

Brandon Green 56400054

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EP13F May 2020